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The Commonwealth of Massachusetts.

TEACHERS' RETIREMENT BOARD.

LEGISLATION

RELATIVE TO THE

RETIREMENT SYSTEM FOR PUBLIC SCHOOL TEACHERS

ENACTED BY

THE GENERAL COURT OF 1917.

Mass. Laws, statutes, etc.



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AMENDMENT TO THE TEACHERS' RETIREMENT LAW
PROVIDING FOR THE RETIREMENT OF DISABLED
MEMBERS OF THE RETIREMENT ASSOCIATION.

In accordance with the provisions of chapter 152 of the Resolves of 1916, the Teachers' Retirement Board investigated the subject of providing for the retirement of public school teachers in cases of permanent disability, and submitted a report on the subject to the General Court of 1917. The report was favorably considered, and chapter 233 of the General Acts of 1917 was enacted, changing the retirement law substantially as recommended by the Board.

The law as amended provides that if a member of the Retirement Association who has not attained the age of 60 is incapable of rendering satisfactory service as a teacher on account of permanent mental or physical disability he may be retired by the employing school committee, subject to the approval of the Retirement Board. Application for the retirement of a disabled teacher must be made by the employing school committee.

In order to be eligible for retirement it is necessary that the member have five consecutive years of service immediately preceding retirement, and a total of not less than twenty years of service in the public schools of this State. The member must be examined by a physician selected by the school committee and approved by the Retirement Board.

It was realized that some teachers retired on account of disability would have absences from school duties on account of sickness, and provision was therefore made that periods of leave of absence or sickness shall not be considered as breaking the continuity of the five years of consecutive service required immediately preceding retirement, but such periods of absence or sickness shall not be counted as service.

A retired member receives a retiring allowance consisting of two parts, annuity and pension. The annuity is derived from

the member's own contributions with interest, based on the tables adopted by the Retirement Board. There are three forms of annuity which may be granted:—

1. An annuity for life.
2. A smaller annuity, with the provision that in the event of death before receiving annuity payments equal to the amount which the member had to his credit in the annuity fund at the time of retirement the estate will receive the difference in one sum.
3. An annuity-certain, which provides for payments from the annuity fund for a definite number of years only. This form of annuity is granted only upon the approval of the Retirement Board, and the number of years during which the annuity shall be paid shall be determined by the Retirement Board in each case. The annual payments will be of such an amount that if the retired member survives the annuity-certain period he will have received from the annuity fund the total amount which he had to his credit. All annuity payments cease at the end of the annuity-certain period, and if the member survives this period only the amount due from the pension fund will be paid. In the event of death before the expiration of the annuity-certain period the balance to the credit of the member in the annuity fund shall be paid to the estate.

In addition to the annuity, a retired member will receive for each year of service a pension from the State equal to one-thirtieth of the pension which he would have received if he had retired at the age of 60, having contributed thirty annual assessments to the annuity fund. In determining the pension which a member would have received if he had contributed thirty annual assessments to the annuity fund, theoretical assessments based on the average salary for the five years immediately preceding retirement are added to the amount which he had to his credit at the time of retirement. The minimum pension is one-thirtieth of \$250 for each year of service. Provision is made, however, that except in cases where an annuity-certain is granted, the total retiring allowance shall in no case be greater than the retiring allowance which the member would receive if he were to continue in service until the

age of 60. When an annuity-certain is granted, the member will receive from the pension fund the same amount which he would have received if he had chosen the first or second form of annuity.

The Retirement Board may require a retired member who has not attained the age of 60 to be re-examined at intervals of not less than one year by a physician selected by the Retirement Board, as it is possible that some of the disabled members may regain their health. If disability which prevents satisfactory service as a teacher no longer exists, the retiring allowance shall cease.

When the retiring allowance of a member is discontinued, the balance to his credit in the annuity fund will be determined on the basis of tables adopted by the Retirement Board, and this amount may be withdrawn by the member if he does not re-enter the public school service.

GENERAL ACTS, CHAPTER 233.

An Act relative to the Retirement System for Public School Teachers.

SECTION 1. Paragraph (2) of section one of chapter eight hundred and thirty-two of the acts of the year nineteen hundred and thirteen is hereby amended by adding at the end thereof the following:—"Annuities-certain" shall mean payments for a definite number of years only, derived from contributions from teachers, and the number of years during which the payments shall be made shall be determined by the retirement board, — so as to read as follows:— (2) "Annuities" shall mean payments for life derived from contributions from teachers. "Annuities-certain" shall mean payments for a definite number of years only, derived from contributions from teachers, and the number of years during which the payments shall be made shall be determined by the retirement board.

SECTION 2. Section six of said chapter eight hundred and thirty-two, as amended by section two of chapter one hundred and ninety-seven of the General Acts of the year nineteen hundred and fifteen, is hereby amended by adding at the end thereof the following paragraphs:— (8) Any member of the retirement association who has served twenty or more years in the public schools of the commonwealth and who, before attaining the age of sixty, by reason of physical or mental disability, becomes permanently incapable of rendering satisfactory service as a teacher, may, with the approval of the retirement board, be retired by the employing school committee: *provided*, that he has served in the public schools of the commonwealth for the five consecutive years immediately preceding the date of his retirement. Periods of leave of absence or sickness shall not be considered as breaking the continuity of the five consecutive years of serv-

ice required by the provisions of this paragraph, but such periods of absence or sickness shall not be counted as service.

(9) Any member of the retirement association shall, upon retirement under the provisions of paragraph (8) of this section, and during the continuance of disability, be entitled to receive from the annuity fund, in quarterly payments, a sum computed in accordance with the provisions of paragraph (3) of this section: *provided*, that upon the approval of the retirement board, an annuity-certain based upon the tables of the board may be substituted for either of the plans provided for in said paragraph, and in case of the death of the annuitant before all the instalments-certain have been paid, the value at that time of the unpaid instalments, as determined on the basis of the tables adopted by the retirement board, shall be paid to the legal representatives of the deceased member's estate; and *further provided*, that if no executor or administrator of the estate of such deceased member is appointed within three months after his death, all sums due under this paragraph, not exceeding one hundred dollars in any one case, may be paid to such person or persons as appear in the judgment of the retirement board to be entitled to the proceeds of the estate, and such payment shall be a bar to recovery by any other person.

(10) Any member of the retirement association receiving a payment as provided in paragraph (9) of this section, shall, if not rendered ineligible therefor by the provisions of section twelve of this act, be entitled to receive from the pension fund for each year of service a pension equal to one thirtieth of the pension which would have been due him under the provisions of this act if he had retired at the age of sixty, having paid thirty annual assessments to the annuity fund, and received an annuity computed in accordance with the provisions of paragraph (3), option (a) of this section: *provided, however*, that the minimum annual amount to be paid from the pension fund shall be such that a member shall receive from this fund, for each year of his service, one thirtieth of two hundred and fifty dollars; and *further provided*, that the total retiring allowance shall in no case be greater than the amount which the said member would receive if he were to continue in service until the age of sixty, contributing annual assessments based on the average salary received during the five years of service immediately preceding retirement, at the rate of assessment in effect at the time of retirement.

(11) If a member is granted an annuity-certain by the retirement board, his total retiring allowance shall not be limited to the total retiring allowance which he would have received at the age of sixty, as provided in paragraph (10) of this section, but the amount to be paid from the pension fund shall be the amount which would have been paid from that fund if an annuity-certain had not been granted.

(12) In computing the amount to be paid from the pension fund under the provisions of paragraph (10) of this section, the assumed assessments necessary to complete the thirty annual assessments shall be based on the average salary received during the five years of service immediately pre-

ceding retirement, and shall be at the rate of assessment in effect at the time of retirement. Interest on the amount to the member's credit at the time of retirement and on the assumed assessments shall be figured at the rate of three per cent.

(13) No member of the retirement association shall be retired under the provisions of paragraph (8) of this section until the fact of his disability has been certified to under oath by an examining physician selected by the employing school committee and approved by the retirement board, and until any further evidence of his disability which the retirement board may require shall have been furnished.

(14) At intervals of not less than one year, any member of the retirement association receiving a retiring allowance under the provisions of this section, who has not attained the age of sixty, shall, if so requested by the retirement board, be re-examined by a physician selected by the retirement board. If the retirement board finds that disability which prevents satisfactory service as a teacher no longer exists, the retiring allowance shall cease. Refusal to submit to re-examination shall be cause for discontinuing the retiring allowance.

(15) If a teacher ceases to receive a retiring allowance under the provisions of paragraph (14) of this section, the amount to his credit at that time in the annuity fund shall be determined on the basis of tables adopted by the retirement board, and the said amount shall be considered for the purposes of this act to constitute the sum of his assessments, with the regular interest allowed thereon, to the time when his retiring allowance ceased.

(16) Any member of the retirement association who shall cease to receive a retiring allowance under the provisions of paragraph (14) of this section, who does not re-enter the service of the public schools, and who does not withdraw the amount to his credit in the annuity fund, may, upon attaining the age of sixty, receive a retiring allowance computed in accordance with the provisions of paragraphs (3) and (4) of this section, or may, before attaining the age of sixty, under conditions to be determined by the retirement board, upon request and after an interval of one year, be entitled to further re-examination by a physician selected by the retirement board, and if disability contracted during service as a public school teacher is found to exist, shall again be entitled to receive a retiring allowance under the provisions of paragraphs (9) and (10) of this section.

SECTION 3. This act shall take effect on the first day of July, nineteen hundred and seventeen. *[Approved May 9, 1917.]*



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